

NORFOLK, VIRGINIA
ACTION OF THE COUNCIL
CITY COUNCIL MEETING
TUESDAY, APRIL 12, 2016 – 7:00 P.M.

President Fraim called the meeting to order at 7:10 p.m.

The opening prayer was offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

1. President Fraim read a proclamation proclaiming the month of April, 2016 as Child Abuse Prevention Month. Steve Hawks, Director of Human Services, accepted the proclamation. Denise Gallop, Assistant Director, Melynda Ciccotti, Executive Director, Champions for Children/Prevent Child Abuse Hampton Roads, Al Steward, Program Manager, Child Protective Services, Pam Wong, Family Services Supervisor, Early Prevention Unit and Jan Callaghan, Public Information Officer, were present. Mr. Steward and Ms. Wong addressed council on the issue of child abuse and thanked them for the proclamation.

2. President Fraim read a Proclamation proclaiming the week of **April 10th** thru **April 15th** as **Crime Victims' Rights Week**. The proclamation was accepted by Heather Fuss, Assistant Director of Victim/Witness Assistance Program.

INVITATION TO BID

IB-1

INVITATION TO BID scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a **Long Term Garage Parking Agreement**, with a term of approximately 11.5 years, with the option to extend the term for up to four (4) additional periods of five (5) years each, for 165 parking spaces in the **City of Norfolk** in **Fountain Park Garage** located at **130 Bank Street** and **Commercial Place Garage** located at **520 E. Main Street**.

One bid was submitted by **Norfolk Southern Corporation** that was opened, numbered and read.

Thereupon, An Ordinance entitled, "An Ordinance accepting the Bid submitted by **Norfolk Southern Corporation** for a Long Term Garage Parking Agreement, with a term of approximately 11.5 years, with the option to extend the term for up to four (4) additional periods of five (5) years each, for the Lease of 165 parking spaces in the City of Norfolk in Fountain Park Garage located at 130 Bank Street and Commercial Place Garage located at 520 E. Main Street," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a **Performance Agreement** with the **Economic Development Authority of the City of Norfolk and Norfolk Southern Corporation**.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the City to enter into a **Performance Agreement with the Economic Development Authority of the City of Norfolk and Norfolk Southern Corporation**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Andalousi** for a change of zoning from R-8 (Single-Family) District to Conditional C-1 (Limited Commercial) District on property located at **2729 Bowdens Ferry Road**.

(PASSED BY AT THE MEETING OF MARCH 22, 2016)

The applicant requested this matter be continued to May 10, 2016 to allow time to arrange for parking.

ACTION: Continued to May 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the closing, vacating and discontinuing a portion of Faquier Street from the northern line of Bellamy Avenue.

John Padgett, 101 West Main Street, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance closing, vacating and discontinuing a portion of Faquier Street from the northern line of Bellamy Avenue 100 feet, more or less, northeastwardly to its terminus, and authorizing the conveyance to the abutting property owner or owners of any interest the city may have in the said portion of Faquier Street," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective May 13, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on a Lease Agreement with the Girl Scout Council of Colonial Coast on property located at 8420 Granby Street.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with the Girl Scout Council of Colonial Coast for the Lease of the land, buildings and improvements on City property located at 8420 Granby Street," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective May 13, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to Jeanne Barefield and Katherine Barefield Metzgar on property located at 6049 Lake Terrace Circle.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Jeanne Barefield and Katherine Barefield Metzgar of a certain parcel of property located adjacent to 6049 Lake Terrace Circle for the total sum of \$20,000.00 in accordance with the terms and conditions of the Purchase and Sale Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective May 13, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of a GEM Lot to Jay Investment Corporation, on property located at 1400 Marsh Street.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the conveyance to Jay Investment Corporation of a certain parcel of property located at 1400 Marsh Street for the total sum of \$36,600.00 in accordance with the terms and conditions of the Conveyance Agreement; and authorizing the release of the City’s right of reverter upon certain conditions,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective May 13, 2016.

Yes: Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim. No: None.

Abstained: Graves.

Mr. Protogyrou departed following the vote on PH-6.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation on an eating and drinking establishment named ‘California Burrito’ on property located at **319 Granby Street, Suite 319,**” was introduced in writing and read by its title.

Miguel Roldan, the applicant, 319 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Day Care Home** known as ‘Christy’s Day Care’ on property located at **414 33rd Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Day Care Home** known as ‘Marcelle Checkley Homecare’ on property located at **533 34th Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation on an eating and drinking establishment named ‘**FMC Garden Café**’ on property located at **5511 Faris Street**,” was introduced in writing and read by its title.

Brandon Morrison, the applicant, 5511 Faris Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate a used merchandise sales establishment named ‘**NSJ Foundation**’ on property located at **953 North Newtown Road**,” was introduced in writing and read by its title.

Dr. Orin Gill, the applicant, 905 Churchill Drive, Chesapeake, VA, was present to answers questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Commercial Drive-Through** for commercial business, not yet named, on property located at **7813 Shore Drive**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, expressed his concerns over the wording of this application and stated that it was hard to know what is correct.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**The Dirty Buffalo**’ on property located at **4012 Colley Avenue**,” was introduced in writing and read by its title.

Russell Gilbert, the applicant, 211 Sinclair Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of a commercial recreation center known as ‘**The Dirty Buffalo**’ on property located at **4012 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Noodles & Company**’ on property located at **1081 North Military Highway**,” was introduced in writing and read by its title.

Steve Stritzl, the applicant, 1081 Military Highway, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the alternative signage for ‘**The Main**’ on property located at **100 and 120 East Main Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Tinto Wine & Cheese, Etc.**’ on property located at **999 Waterside Drive, Suite 113**,” was introduced in writing and read by its title.

Crystal Stump, the consultant, 1807 South Church Street, Smithfield, VA, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘**The Granby Social Club**’ on property located at **763 Granby Street, Suite 765**,” was introduced in writing and read by its title.

Guy Deron-On Court, the applicant, 330 West Brambleton Avenue, Apt 715, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a tattoo parlor named ‘**Artisan Body Piercing**’ on property located at **5720 Hoggard Road, Suite B**,” was introduced in writing and read by its title.

Katie Schemmel, 714 Wingfield Avenue, Chesapeake, VA, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Commercial Drive-Through** for ‘**Dunkin Donuts**’ on property located at **8410 Hampton Boulevard**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14

Letter from the City Manager and A Resolution entitled, “A Resolution requesting that the **City Planning Commission** undertake to prepare an amendment to the City’s General Plan, planorfolk2030, **SO AS TO** adopt and incorporate a ‘**Sand Management Plan**’,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, commented that he supports this application.

Vic Yurkovic, 1816 East Ocean View Avenue and Thelma Drake, thanked Council for taking this action to replenish sand on the Ocean View beaches.

ACTION: The Resolution as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Downtown Development Certificate** to permit the renovation of an existing, historic building for use as a multi-family residential dwelling on property located at **519 Front Street**,” was introduced in writing and read by its title.

James Reidy, the applicant 515 Wilder Drive, Virginia Beach, VA, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the dedication of certain city owned property as a public street so as to extend the existing street known as **Pritchard Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Prakoon, LLC** to encroach into the right-of-way at **417 West 21st Street** with signage,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Prakoon, LLC** to encroach into the right-of-way at **419 West 21st Street** with signage,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting 456 Granby Street, LLC permission to encroach at 456 Granby Street into the rights of way of Granby Street and Charlotte Street approximately 440 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting Sigras, LLC permission to encroach at 219 Granby Street into the rights of way of Granby Street and Brooke Avenue approximately 413 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was adopted, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to accept funds from the Commonwealth of Virginia for the purpose of enabling the Nauticus Foundation to purchase Schooner Virginia, approving a Grant Agreement between the City of Norfolk and the Nauticus Foundation, appropriating funds as contemplated by the terms of the Grant Agreement, and authorizing the City Manager to execute the Grant Agreement on behalf of the City,” was introduced in writing and read by its title.

Stephen Kirkland, Director of Nauticus, was present to answer questions.

ACTION: The Ordinance as introduced was adopted, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-22

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant award to the City of up to \$145,000 per year for five (5) years beginning with **Fiscal Year 2016** from the **Virginia Department of Behavioral Health and Developmental Services** and appropriating and authorizing the expenditure of the grant funds by the City to prevent prescription drug abuse and heroin overdose in youths and young adults,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-23

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing an amendment to **Lease** between **WTC Financial Associates, LLC, 435 East WTC, LLC** and the City of Norfolk for a portion of that certain property located at **101 West Main Street, Suite 100** and authorizing the City Manager to execute the Amendment on behalf of the City of Norfolk,” will be introduced in writing and read by its title.

Karen Rudd, Manager, Public Arts Commission, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend the **Waterside Lease** and **Grant Agreement**,” will be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 12, 2016.

Yes: Graves, Johnson, Smigiel, Whibley, Winn and Fraim.

No: Riddick.

NEW BUSINESS

1. Tanterrian Taylor, 5920 Poplar Hall Drive, Apt. 304, informed Council that the wheelchair signs that were discussed on August 13, 2015, have not been installed across Military Highway and other busy intersections.
2. Danny Lee Ginn, 3844 Dare Circle, expressed concern that his comments to the city council in the minutes have not been comprehensive enough in contact.